

EXHIBIT E

**PHILADELPHIA POLICE DEPARTMENT****DIRECTIVE 5.27**

Issued Date: 10-31-01	Effective Date: 10-31-01	Updated Date: 09-22-10
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SUBJECT: FIREARMS**INDEX**

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SUBJECT: FIREARMS**1. POLICY**

- A. It is the responsibility of all members of the Philadelphia Police Department to ensure that all laws and regulations pertaining to the carrying of concealed firearms are properly enforced.
- B. All processing of applications for License to Carry Firearms in Philadelphia County is the responsibility of the Gun Permits and Tracking Unit of the Philadelphia Police Department. Applicants are no longer required to receive a medical examination, pass a proficiency test, or provide a valid reason why they would need such a license. However, the following requirements must be met:
 - 1. An applicant must be at least 21 years of age.
 - 2. An applicant must be a resident of the Commonwealth of Pennsylvania.
 - 3. Applicants must apply for a license to carry in the county in which they reside.
 - 4. Out-of-state resident applications will only be considered if the applicant currently has a similar license from his/her home state, if such a license exists in that state.
 - 5. An applicant's request for a license to carry will be rejected if he/she is found to be in violation of any of the provisions as set forth in the Pennsylvania Uniform Firearms Act and federal guidelines.
- C. The Gun Permits and Tracking Unit is responsible for conducting all investigations concerning the issuance of licenses to carry by residents of Philadelphia.
- D. All district Commanding Officers will maintain a current list of all registered firearms dealers located within their respective districts along with their normal hours of business. The Administrative Supervisor, Gun Permits and Tracking Unit will maintain a master list of all registered firearms dealers within Philadelphia.

2. DEFINITIONS

- A. "A license to carry a firearm shall be for the purpose of carrying a firearm concealed on or about one's person or in a vehicle throughout this Commonwealth" (PA Crimes Code §6109-a).

NOTE: A license to carry a firearm is sometimes referred to as a “license to carry” or a “gun permit”.

- *1 1. “Open Carry” refers to the act of openly and visibly carrying a firearm on one’s person.
- *1 2. “Open Carry State” refers to a state that allows people to openly and visibly carry a firearm on one’s person without a special license or permit.
- *1 3. “Concealed Carry Firearms License” refers to a specific license issued to an individual authorizing the person to carry a firearm concealed on their person or in a vehicle.

NOTE: In Philadelphia, if a person has a valid “Concealed Carry Firearms License” they can legally carry a firearm either open and visible or concealed.

- 4. Under State law, a firearm is defined as:
 - a. Any pistol or revolver with a barrel less than 15 inches.
 - b. Any shotgun with a barrel less than 18 inches.
 - c. Any rifle with a barrel less than 16 inches.
 - d. Any pistol, revolver, rifle or shotgun with an overall length of less than 26 inches.
 - e. The barrel length of a firearm will be determined by measuring from the muzzle of the barrel to the face of the closed action, bolt or cylinder, whichever is applicable.
- 5. Under federal law a firearm is defined as any weapon capable of expelling a projectile by the action of an explosive (i.e., any shotgun, rifle, handgun, or starter gun).

3. APPLICATION PROCESS

A. Citizens requesting information will be advised of the following procedures:

- 1. Applications and instructions can be picked up by applicants at 990 Spring Garden Street, 2nd Floor, Gun Permits and Tracking Unit. The hours are 8:30 a.m. to 2:00 p.m., Monday through Friday; or through the Police Department web site at, ‘www.phillypolice.org’, and typing the word “permit” in the search block. The applicant can then download the form onto their computer.

2. When returning the application, the applicant should arrive at 990 Spring Garden Street during the above times and have with them the following:
 - a. Completed application typed or neatly printed.
 - b. Three (3) passport-type photographs, 1" x 1".
 - c. A money order for \$25.00 made out to the "City of Philadelphia," no checks or cash will be accepted.
 - d. Pennsylvania (PA) driver's license or PA non-driver's photo identification only.
 - e. If the applicant is a resident alien, they must show their Resident Alien Identification (green card).
 - f. A second form of identification (i.e., utility bill, voter's registration, vehicle registration, auto responsibility policy, old permit if renewing license).

NOTE: If the applicant was previously a member of the Armed Forces, a copy of their form DD-214 must accompany the above.

3. If all paperwork is in order, the applicant will then be interviewed as part of the investigation required by the Uniform Firearms Act. This investigation may include specific background checks to ensure that the applicant can be issued a license to carry (PA Crimes Code §6116).
4. All applicants will receive written notice by U.S. Mail of either approval or disapproval of their application.
5. All applicants should be aware that false statements (whether oral or written) will be cause for denial and may be cause for arrest.

4. SPECIFIC INFORMATION

- A. A license to carry issued in any county of Pennsylvania is valid throughout Pennsylvania.
- B. A license to carry is valid for five (5) years from date of issue.
- C. A license to carry issued in Philadelphia County will have a serial number printed in red located on the bottom right side of the permit.
 1. Beginning January 2001, plastic identification cards with a photo imprint will begin to be issued. Therefore, both forms of Permits to Carry will be acceptable.
- D. The issuing authority for a license to carry in Philadelphia County is the Police Commissioner.

- E. The issuing authority for a gun license for other Pennsylvania counties is the Sheriff.
 - F. All counties in Pennsylvania issue the same style of gun license. The licenses may vary in size, and some counties issue licenses with the photograph of the person on the face of the license.
 - G. A license to carry may be folded in half and laminated in plastic for protection and ease of carrying as long as all pertinent information is still visible.
 - H. When a license holder changes their residence, it does not necessitate a change of address on the gun license itself.
 - I. A license holder may carry any firearm as long as the chosen firearm complies with state and federal guidelines. The firearm is not required to be owned by the license holder.
 - J. A license holder is permitted to carry more than one (1) legal firearm at a time.
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5. COMPUTER CHECKS

- A. A check of the validity of a license issued in Philadelphia County can be performed via Police Radio, the Mobile Data Computer or by accessing the district computer terminal using the entry: **[REDACTED]**
- B. Verification of licenses issued from other Pennsylvania counties can be performed via Police Radio or through the Detective Division computer terminals, using the entry of **[REDACTED]**.
 - 1. Police should complete the above computer checks on ALL persons arrested regardless of whether or not a firearm was employed for that specific offense. Police would then follow the directions of this directive for notifying the Gun Permits and Tracking Unit when a person arrested is found to have a gun permit.
- C. Police should be immediately notified whenever a license to carry is lost or stolen. The officer taking the report will notify the Operations Room Supervisor, ensuring that the Gun Permits and Tracking Unit is alerted by computer message with all pertinent information immediately after the report is filed. A copy of the 75-48 will be forwarded by police mail or faxed to (215) 686-xxxx.
- D. Following notification of the theft or loss of a license to carry, the Gun Permits and Tracking Unit will ensure that the change in status is made in the computer database.

6. RESPONSIBILITIES ASSOCIATED WITH A LICENSE TO CARRY

- A. An individual licensed to carry a firearm shall upon lawful demand of a law enforcement officer, produce the license for inspection (PA Crimes Code §6122)
- *1 B. The license holder will be permitted to carry their firearm either open and visible or concealed as long as they have a valid "Concealed Carry Firearms License"
- C. The license holder is subject to all prohibitions restricting the carrying of firearms into court facilities, restricted areas of the Philadelphia International Airport, and at certain commercial and private properties.
- D. Persons issued Lethal Weapons Training Act Certified Agent (Act 235) cards, unless also possessing a License to Carry, are permitted to carry a firearm only during the course of their employment and only while traveling directly to and from their residence to their place of employment. Act 235 cards will have a small "F" in the lower right- hand corner if the "Certified Agent" is permitted to carry a firearm in the course of their employment.
- E. Police Officers, upon retirement or separation from the Department, are required to obtain a license to carry if they wish to continue to carry a firearm.

NOTE: Active Philadelphia Police Officers are prohibited from possessing License to Carry. The Commanding Officer, Recruit Division, will ensure that all police recruits relinquish any License to Carry that may have been issued to them prior to beginning their recruit training.

7. PENALTIES

- A. Any person who carries a concealed firearm in any vehicle or on or about their person, except in their place of abode or fixed place of business, without a license to carry, commits a felony of the third degree.
- B. A person issued a License to Carry is not permitted to carry a firearm into a court facility. Only law enforcement officers, court officers, and persons granted permission by the court are permitted to possess a firearm in court facilities. A violation of the above by a license holder is a summary offense.

EXCEPTIONS: Police officers are not permitted to carry a firearm in U. S. District Court.

- C. Whenever a violation calls for the revocation of a valid License to Carry as per the Uniform Firearms Act or federal guidelines, the assigned detective will be responsible for its confiscation if it is in the possession of the person in custody.
 - 1. When the permit is not in the person's possession, the Gun Permit and Tracking Unit will become responsible for the confiscation of the permit.
- D. The assigned detective is responsible for notifying the Gun Permits and Tracking Unit of such a violation and whether or not the License to Carry has been confiscated via a computer-generated message.
- E. Whenever a License to Carry is confiscated by police, notification should be made on the Complaint or Incident Report (75-48) or Investigation Report (75-49). The license should be forwarded via police mail to the Gun Permits and Tracking Unit. The license should not be placed on a Property Receipt (75-3). Additionally, a copy of the 75-48 and 75-49 should be forwarded to the Gun Permits and Tracking Unit.
- F. The Gun Permits and Tracking Unit, once notified, will initiate the steps to have the License to Carry revoked.
 - 1. The Police Commissioner, as the issuing authority, may revoke a permit to carry a firearm for "good cause" shown. "Good cause" may be for arrest and/or non-arrest incidents. Anytime a permit holder is arrested for a grade M1 (or higher) or a lower graded offense where issues of public safety are of concern, the Gun Permits and Tracking Unit should be notified.

NOTE: Often, non-arrest situations, intoxications, active protection from abuse orders, failure to prosecute, repeated presence with known drug dealers, etc., involving public safety concerns can amount to "good cause".

8. TEMPORARY CUSTODY OF FIREARMS BY POLICE

- A. Police may temporarily take possession of a firearm being held by a license holder detained during the course of a pedestrian or vehicle investigation, if there are concerns for the officer's safety or questions regarding the validity of the License to Carry.

*1 **NOTE:** Officers are permitted to temporarily detain and investigate any individual carrying a firearm exposed to determine if the person is operating within the law.

- *1 1. Immediately seize any firearm(s) for officer safety during the stop and unload the firearm(s) if possible, but only if it can be done safely.

- *1 2. The firearm should be promptly returned to the license holder when the investigation reveals that the person under investigation possess a valid License to Carry and they are not being charged with any offense, or there are no reasonable grounds involving public safety requiring confiscation of the firearm(s). A Property Receipt is not needed for these temporary confiscations. However, the temporary custody should be noted on the Vehicle/Pedestrian Investigation Report (75-48A)
- *1 3. However, if the individual cannot produce a valid concealed carry license or the license is not valid (i.e. expired or revoked), probable cause then exists to arrest the individual for a VUFA Violation and transport the individual to the Divisional Detectives for processing. The firearm and ammunition should be placed on a Property Receipt (75-3), marked as "Evidence" and handled according to the guidelines outlined in Directive 12.15, "Property Taken into Custody." The 75-48A for the initial stop must be prepared along with a Complaint or Incident Report (75-48) for the arrest.
4. A citizen requesting the return of a confiscated firearm will be directed to forward a letter to the Police Commissioner requesting the return. The Gun Permits and Tracking Unit will respond to requests by Certified Mail with the results of the investigation.
- B. When a license holder is taken into custody for intoxication, their firearm should be confiscated and placed on a Property Receipt. The provisions set forth in Directive 12.15, "Property Taken into Police Custody," will be adhered to.
1. The actual "License to Carry" should be taken and forwarded to the Gun Permits and Tracking Unit (In this instance you would NOT place the permit on a property receipt.).
2. A copy of the 75-48 (Intoxication) noting the confiscation of the firearm should be forwarded to the Gun Permits and Tracking Unit via police mail.
3. The Gun Permits and Tracking Unit will be responsible for compiling this information and to initiate the revocation process when circumstances warrant.

IX. ILLUSTRATION OF LICENSE TO CARRY

REDACTED - LAW ENFORCEMENT SENSITIVE

REALTED PROCEDURES	Directive 12.11, Complaint or Incident Report (75-48) Directive 12.15, Property Taken into Custody
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BY COMMAND OF THE POLICE COMMISSIONER

<u>FOOTNOTE</u>	<u>GENERAL#</u>	<u>DATE SENT</u>	<u>REMARKS</u>
*1	1272	09-22-10	ADDITIONS



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APPENDIX "A"

Issued Date: 10-31-01	Effective Date: 10-31-01	Updated Date: 09-22-10
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SUBJECT: FIREARMS ANALYSIS SYSTEM (F. A. S.)

1. POLICY

- A. The Firearms Analysis System (FAS) is a computer Geographic Information System (GIS) application. This program is designed to provide for the following functions:
1. Analysis of reported stolen/lost/missing firearms.
 2. Analysis of recovered firearms by police.
 3. Provide firearms tracing data to investigators.
 4. Provide for production of maps, charts, and reports.
- B. All firearms reported stolen, missing, lost firearms, and/or firearms recovered by the Philadelphia Police Department regardless of reason for confiscation, will be entered into the FAS Program (Refer to Computer Training Bulletin 2001-02, entitled, "F.A.S. User Instructions").
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2. PROCEDURES

- A. Firearms reported stolen/lost/missing
1. The responding officer will:
 - a. Question the complainant and all witnesses to the incident.
 - b. Inspect the scene to corroborate information contained in the report.
 - c. Prepare a Complaint or Incident Report (75-48), to include all available information on the firearm(s) and the circumstances surrounding its disappearance.
 - d. Transport all available paperwork, witnesses, and complainants to the pertinent investigating unit.

2. The assigned investigator will:

- a. Check the submitted 75-48 for completeness, paying particular attention to the subject firearm's make, model, serial number, and importer number.
- b. Ensure the 75-48 is coded by the Operations Room Supervisor (ORS).
- c. Interview complainant and any witnesses as to the circumstances of the disappearance of the firearm.
- d. Ensure a complete police system computer inquiries (QROS) are made to obtain complete information, if any information is missing.
- e. Ensure every reported stolen, lost, or missing firearm into the FAS Program, regardless of whether or not all required information is available.

B. Police Officers confiscating or recovering firearms will:

1. Prepare a 75-48 describing the recovered firearm and the circumstances surrounding the recovery.
2. Ensure the 75-48 is coded by the ORS.
3. Prepare a Property Receipt (75-3) for the recovered firearm, in accordance with Directive 12.15, entitled, "Property Taken into Custody", and transport the firearm and any witnesses to the pertinent investigative unit.
4. Transport the firearm(s), property receipt, and a copy of the FAS entry, prepared by the assigned investigator to the Firearms Identification Unit, 843 North 8th Street.

NOTE: No firearm will be accepted by either the Firearms Identification Unit (FIU) or the Chemical Laboratory without a copy of the FAS entry.

C. The assigned investigator will:

1. Enter all firearms (long guns and handguns) into the FAS Program, to include those with obliterated serial numbers.

NOTE: An officer's City or personally-owned firearm recovered by police, which has been used during the performance of their duties will not be entered into the FAS (there is no need to conduct an automatic trace request on these firearms).

- a. No firearms received as a result of a sanctioned Departmental Moratorium will be entered into FAS.

2. Ensure an automatic firearms trace request is generated through the Philadelphia Office of the Bureau of Alcohol, Tobacco and Firearms (ATF) and is sent to the National Tracing Center, Falling Waters, West Virginia.
 - a.. Any investigator requesting an urgent trace to be conducted by the National Tracing Center must notify the local ATF office or the Firearms Trafficking Task Force (215) xxx-xxx/xxxx.
 - b. Urgent traces are generally reserved for high profile, sensitive, or homicide cases requiring immediate results.

D. Firearms Identification Unit (FIU)/OFS Laboratory Personnel will:

1. Receive the firearm(s) and all required paperwork, including a copy of the FAS entry.

NOTE: Officers not possessing the proper paperwork will be directed back to the appropriate investigative unit.

2. Verify that the firearm(s) received match the paperwork attached.
3. Access the FAS Program and make any required modification and transmit the entry to the ATF.
4. Firearms Identification Unit personnel, after completing the formal examination of the submitted firearm(s), will enter the appropriate data into the original FAS entry.

BY COMMAND OF THE POLICE COMMISSIONER
